

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

JAN -6 2009

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

STEPHEN JAY CALAWAY,

Appellant.

2 CA-CR 2007-0328

DEPARTMENT A

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20055080

Honorable Richard S. Fields, Judge

AFFIRMED

John William Lovell

Tucson
Attorney for Appellant

B R A M M E R, Judge.

¶1 Following a jury trial, Stephen Jay Calaway was convicted of aggravated assault of a minor under the age of fifteen; aggravated assault with a deadly weapon; two counts of kidnapping, one of which was a dangerous crime against a child; armed robbery;

aggravated robbery; and unlawful use of a means of transportation. The trial court sentenced him to a combination of concurrent and consecutive, enhanced, presumptive sentences totaling 44.5 years' imprisonment. He appealed.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing he has reviewed the entire record and found “[n]o arguable question of law.” Although he identifies several “issues which appear valid on their face,” he asserts “Calaway cannot establish prejudice.” Counsel has complied with *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), by including “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Calaway has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety, have considered all relevant legal issues, including those counsel suggested in his brief, and have found no error warranting reversal. Viewed in the light most favorable to upholding the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Calaway and his codefendant confronted the victims, a mother and her fourteen-year-old daughter, in a parking lot. They demanded money at gunpoint and held the mother in her van while the codefendant forced the daughter to accompany him into a store to withdraw money from an automated teller machine. While the codefendant and the daughter were inside the store, Calaway forced the mother into the

passenger seat of her van and drove it a short distance behind the store. When the codefendant returned the daughter to the van, the victims were told not to move for fifteen minutes. Calaway threw the van's keys into the dirt before he and his codefendant left.

¶4 Substantial evidence supports Calaway's convictions. The sentences the trial court imposed are within the statutory range authorized for the offenses. Therefore, Calaway's convictions and sentences are affirmed.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

JOHN PELANDER, Chief Judge

JOSEPH W. HOWARD, Presiding Judge